



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 · FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-28**

July 16, 2004

Robert and Sandra Moses
39 Eagle Rock Drive
Amherst NH 03031

RE: DES Wetlands File 1999-1209, Pot O' Beans Road, Long Island, Moultonborough

Dear Mr. and Ms. Moses:

On August 22, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Moultonborough Tax Map 2 as Lot 53 (the "Property"). The purpose of the inspection was to determine whether work on the Property had been conducted in compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700 and Wetlands Permit #1999-1209 (the "Permit"). The Permit authorized construction of a 4 ft x 30 ft cantilevered pier, a 6 ft x 30 ft piling pier and an 11 ft 11 in x 4 ft walkway connecting the two piers.

During the inspection DES personnel documented the following deficiencies:

- 1 The cantilevered pier was 4 ft 6 in by 34 ft, which is 4 ft longer than authorized by the Permit;
- 2 The piling pier was 6 ft by 34 ft, which is 4 ft longer than authorized by the Permit;
- 3 The walkway connecting these two piers was 11 ft 4 in by 6 ft 8 in, which is 2 ft 8 in wider than authorized by the Permit; and,
- 4 Two personal watercraft ("PWC") lifts were located in the water without a permit from DES

In response, you are requested to take the following actions:

Prior to installation of the PWC lifts for the 2005 season complete and submit the attached permit-by-notification form to DES.

2. Within 30 days, submit the following materials to DES for review:
 - a) A narrative describing how the structures will be brought into compliance with Wetlands Rule 402.02, Dimensions;
 - b) Plans showing proposed modifications necessary to bring the docking facility into compliance: and,
 - c) A timeframe for completion of the work.

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Please note that the alleged violations of RSA 482-A effected by the previous property owner are being pursued separately. RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, or in excess of a permit, it is considered a violation of RSA 482-A. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

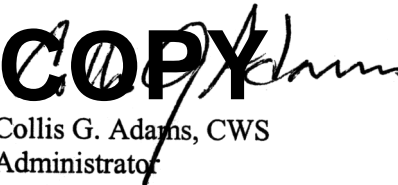
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A may result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Compliance Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please feel free to contact me at (603) 271-2147.

Sincerely,

COPY 
Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7003 2260 0005 9209 9253

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit —
Moultonborough Conservation Commission
Moultonborough Board of Selectmen
USACOE
Lakeshore Construction, Inc.